

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED
FEB 27 2008

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AMERICAN PRAIRIE CONSTRUCTION * CIV 04-1016
CO., formerly known as North Central *
Construction, Inc., *
*
Plaintiff, *
*
vs- * AMENDED
* ORDER AND OPINION
*
TRI-STATE FINANCIAL, LLC and *
JOHN HOICH, *
*
Defendants. *

The appellants have submitted two possible versions of a supersedeas bond. The court brought to the attention of counsel in a memorandum dated February 21, 2008, the numerous deficiencies with the bond originally proposed. Appellants have now addressed each such deficiency and have presented to the court a bond in proper order. There remains only a dispute as to whether the penal sum of \$2,800,000.00 is adequate. It may not be but, given the financial conditions of the appellants, the court should nevertheless approve the bond.

Now, therefore,

IT IS ORDERED, as follows:

- 1) The motion to approve the supersedeas bond is granted and the appellants shall forthwith and without delay deliver the original bond to the clerk's office for filing.
- 2) All other pending motions of the appellants are denied.

Dated this 27th day of February, 2008.

BY THE COURT:

Charles B. Kornmann

CHARLES B. KORNMANN
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: *Barbara J. [Signature]*
DEPUTY

(SEAL)